

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION

FILED

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U.S. DISTRICT COURT
N.D. OF ALABAMA

LARRY AVERY,)
)
Plaintiff,)
)
vs.) CV 01-TMP-2973-M
)
BRYAN CHAPMAN and)
A.L. GARRETT,)
)
Defendants.)

ENTERED

MAR 7 2003
[Handwritten signature]

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on February 12, 2003, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed as failing to state a claim, pursuant to 28 U.S.C. § 1915A(b)(1). The magistrate judge further recommended that the court decline to exercise supplemental jurisdiction over the plaintiff's state law claims and that they therefore be dismissed, without prejudice, pursuant to 28 U.S.C. § 1367(c)(3). No objections have been filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED. Accordingly, the complaint is due to be dismissed for failing to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915A(b)(1). Plaintiff's state law claims are due to be dismissed, without prejudice, pursuant to 28 U.S.C. § 1367(c)(3). A Final Judgment will be entered.

DATED this 14th day of March, 2003.

[Handwritten signature]
UNITED STATES DISTRICT JUDGE

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